

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

**BRANT SITZES, *et al.***

**PLAINTIFFS**

v.

**3:08CV00026-WRW**

**CITY OF WEST MEMPHIS, ARKANSAS, *et al.***

**DEFENDANTS**

**ORDER**

Pending is Plaintiffs' First Motion to Compel or Other Relief (Doc. No. 15). Defendants have responded.<sup>1</sup>

Plaintiffs seek discovery of information contained in the following interrogatory: "INTERROGATORY NO. 2: Identify all complaints of West Memphis Police Department violations of constitutional rights . . . during the interval of 2002 to February 21, 2007."<sup>2</sup>

Defendants' counsel sought clarification on whether "the disputed interrogatory was only seeking complaints, in the sense of pleading in a law suit, or if not, what was meant by the word 'complaint.'"<sup>3</sup> Plaintiffs' counsel provided this explanation by email to Defendants' counsel:

Paul, complaints either by means of litigation or by means of citizen's or even agency complaints as known by any def., including oral complaints, written complaints including Internal affairs or other branches of the police dept., city gov't, Mayor's office, city council. This may be memorialized in some fashion by the City Atty. or others but we would expect the collective knowledge of the def's be produced. If, for example the Mayor recalls john doe calling and complaining about police driving or beating up a citizen and forwarded him to another agency, we would want that information whether or not the citizen also filed with internal affairs.<sup>4</sup>

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<sup>1</sup>Doc. No. 25.

<sup>2</sup>Doc. No. 15.

<sup>3</sup>Doc. No. 25.

<sup>4</sup>*Id.*

Defendants assert three arguments in opposition to Plaintiffs' motion: (1) that the request is not reasonably calculated to lead to admissible evidence; (2) that the request is overly broad and vague; and (3) that the request is duplicative of documents already produced by Defendants.<sup>5</sup>

For the most part, Plaintiffs' motion regarding Interrogatory No. 2 is DENIED in that the interrogatory is too broad; if there are any formal complaints filed against Defendants within the past five years that have not been distributed to Plaintiffs, then such complaints must be supplied by Defendants by 5:00 p.m. on Monday, April 6, 2009 (or, in the alternative, Defendants must answer the interrogatory with respect to these designated complaints).

IT IS SO ORDERED this 24<sup>th</sup> day of March, 2009.

/s/Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE

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<sup>5</sup>*Id.*